

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

SERGIO BANUELOS VILLAVA, )  
Petitioner, )  
vs. ) Case No. CIV-09-0971-F  
WARDEN LOREN GRAYER, et al., )  
Respondents. )

## **ORDER**

This action is brought by petitioner, a federal prisoner appearing *pro se*, seeking habeas relief under 28 U.S.C. § 2254. On December 21, 2009, Magistrate Judge Doyle W. Argo filed a Report and Recommendation (doc. no. 12) recommending that the petition be dismissed in its entirety for failing to raise a claim cognizable in this habeas action, and that respondents' motion to dismiss (doc. no. 10) be denied as moot. The Report advised petitioner that failure to timely object to the Report waives the right to appellate review of both factual and legal issues contained in the Report. Petitioner has not responded to the Report and has not asked for an extension of time within which to respond.

With no objection having been filed, the court, after review, hereby **ADOPTS**, **ACCEPTS** and **AFFIRMS** the Report and Recommendation of Magistrate Judge Argo. Accordingly, this action is hereby **DISMISSED** and respondents' motion to dismiss is **DENIED AS MOOT**.

Dated this 27<sup>th</sup> day of January, 2010.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE